

## REMARKS

### 1. Status of Claims

In the office action dated December 7, 2004, claims 1-15 were rejected and claims 16-19 were withdrawn pursuant to a restriction requirement. Claims 16-19 have now been canceled. Applicant has amended claims 1, 7, 14, and 15. Claims 7 and 15 have been rewritten in independent form. Claim 14 and the paragraph at page 12, lines 9-15 of the specification have been amended to correct typographical errors. No new matter has been added in these amendments.

After entry of the amendments, claims 1-15 are pending in this application.

### 2. Rejection for Obviousness-Type Double Patenting

The Examiner provisionally rejected claims 1-15 for obviousness-type double patenting in view of claims 1-17 in copending application 09/923,751. This rejection is provisional because the copending application has not issued as a patent.

Unless the claims in the copending application have been allowed or are about to be allowed, applicant contends that this provisional rejection should be withdrawn. After one of these two applications issues as a patent, the issue of obviousness-type double patenting can be addressed in the other application.

### 3. Rejection under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-6 and 10-14 under § 103(a) in view of Agapiou U.S. Patent 5,442,019. Applicant has now amended claim 1 to state that in the step of restarting polymerization, "the at least one catalyst" is introduced into the olefin polymerization zone,

rather than the claim's original wording of introducing "at least one catalyst." In other words, claim 1 states that the catalyst (or catalysts) that is introduced in the restarting step is the same type of catalyst (or catalysts) that was introduced in the earlier part of the process.

Agapiou discloses a process for transitioning between incompatible polymerization catalyst systems. (Abstract.) The process includes discontinuing the introduction of one of the incompatible catalysts or catalyst systems into a reactor, introducing a catalyst killer, and introducing into the reactor a second catalyst or catalyst system incompatible with the first catalyst system. (See column 2, lines 19-25, column 8, lines 66-68, and column 9, lines 9-10.) Agapiou does not appear to suggest restarting the polymerization reaction by introducing the same type of catalyst used previously in the process.

Therefore, claim 1 and dependent claims 2-6 and 10-14 are nonobvious over Agapiou. Applicant requests that the § 103(a) rejection be withdrawn.

#### **4. Allowable Claims**

The Examiner indicated that dependent claims 7-9 and 15 would be allowable if rewritten as independent claims. Applicant has amended claims 7 and 15 to make them independent claims, incorporating all limitations of the claims from which they previously depended. Claims 8 and 9 depend on claim 7. Therefore, claims 7-9 and 15 should now be allowable.

**5. Conclusion**

Applicant requests allowance of claims 1-15. If there are any questions regarding this response, please contact the undersigned attorney.

Respectfully submitted,

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